



Oregon

Theodore Kulongoski, Governor

PORTF 11.3.117
8-15-08
Department of Environmental Quality

Northwest Region Portland Office

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August 15, 2008

Mr. Gene Loffler
Operations Manager
CLD Pacific Grain
222 SW Columbia, Suite 1133
Portland, OR 97201

Re: Portland Harbor Source Control Evaluation at CLD Pacific Grain
Irving Elevator site, 800 N River Street, River Mile 11.4-11.5

Dear Mr. Loffler,

The Department of Environmental Quality (DEQ) Cleanup Program has conducted a review of available information for parcels owned by CLD Pacific Grain at 800 N. River Street in Portland, Oregon, and has determined that further assessment of the transport pathways of potential contaminants from your facility to the river is needed.

The review was performed under Oregon's Environmental Cleanup Law, Oregon Revised Statutes (ORS) 465.245 and under an agreement DEQ entered into with the U.S. Environmental Protection Agency (EPA) in 2001. That agreement assigns DEQ the responsibility for identifying and controlling current and future upland discharges to the Portland Harbor superfund site. DEQ's goal is to ensure these potential sources do not pose an unacceptable risk to aquatic organisms or to people and animals that consume fish from the harbor. Furthermore, EPA has designated this portion of the river adjacent to your facility as part of the Study Area for the Superfund investigation.

The process for controlling these sources is detailed in the EPA/DEQ Joint Source Control Strategy¹ (JSCS). The JSCS calls for DEQ to identify, evaluate and control sources of contamination that may impact the Willamette River in a manner that is consistent with the objectives and schedule for the Portland Harbor Superfund site remedial investigation and feasibility study.

To implement this strategy, DEQ is currently working with many property owners in the Portland Harbor area to take immediate measures to ensure stormwater discharges, groundwater discharges, bank erosion and other potential contaminant pathways are adequately characterized and controlled to prevent contamination of the river.

¹ This document can be found at <http://www.deq.state.or.us/nwr/PortlandHarbor/JSCS.htm>.

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In many cases, this work will go beyond existing applicable discharge permit requirements² that may exist at a site.

DEQ has recently reviewed sediment data collected in the vicinity of your facility and, based upon elevated concentrations of Portland Harbor contaminants of concern in the sediments, has determined that source control evaluations will be needed at several upland facilities and City stormwater outfalls discharging into this area.

DEQ requests that you enter into an agreement with its Cleanup Program to undertake a Remedial Investigation and source control measures. The purpose of this work is to ensure discharges, if any, from your site to the river are managed to prevent or reduce the amount of contaminants getting into the river. Although your site is located in a high priority area for additional assessment and source control, DEQ is willing to perform this oversight under a Voluntary Agreement. This assumes willingness on your behalf to engage proactively in the assessment and move forward with the work expeditiously.

Enclosed is a DEQ Voluntary Cleanup Program Intent to Participate (ITP) form. At this time, we ask that CLD Pacific Grain complete the ITP form and return it to DEQ within 21 days of receipt of this letter. This will serve as a clear signal of your intent to conduct this investigation.

DEQ has not assigned a project manager to this work yet. Upon receipt of the completed ITP form, DEQ will begin the process of assigning a project manager. Once assigned, the project manager will work with you to finalize the Voluntary Agreement for this work. A sample Voluntary Cleanup Agreement/Scope of Work agreement that covers the investigation and/or source control activities, as well as associated DEQ oversight costs, is included for your initial consideration.

If we do not receive the ITP by the aforementioned date, DEQ will consider exercising our authority to issue an order for conducting the investigation.

Additionally, due to the high priority nature of work in this area, and the limited number of potential sources, DEQ will be hosting a meeting for all the currently identified Potentially Responsible Parties in this area. At this meeting, we will present the information we have concerning nature and extent of in-water contamination, and our overall approach for controlling sources in advance of the Portland Harbor Record of Decision. It will also be an opportunity for you to ask questions and seek clarification on any issues with respect to the enclosed request for source control work.

² Some Portland Harbor sites are already operating under a stormwater permit which requires certain stormwater control measures. However, these permits do not address all of the contaminants that are most problematic in Portland Harbor and may not be sufficient to address the Portland Harbor cleanup goals. Additionally, some sites that are not currently operating under a stormwater permit may also be sources of contaminants to the river. These sites may need to implement additional stormwater control measures to prevent recontamination of harbor sediments.

The time, date and location for that meeting is:

- Wednesday August 27th, 1-3 PM or,
 - (alternate; if needed) Thursday, August 28th 10 AM to noon
- at the DEQ NWR offices, 4th Floor, Conference Room A/B.

Please contact me directly at 503-229-6431 if you have any questions or to confirm attendance. I can be reached via email at johnson.keith@deq.state.or.us. We look forward to working with you.

Sincerely,



Keith Johnson, Manager
DEQ Northwest Region Environmental Cleanup Section

Cc: Karen Tarnow, ODEQ
Matt McClincy, ODEQ
Eric Blischke, US EPA, Region 10
Kristine Koch, US EPA, Region 10

Attachments:

Figure 1
Intent to Participate Form
Draft Portland Harbor Agreement and Statement of Work

Figure 1

